

RESOLUTION NO. \_\_\_\_\_ - 2017

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION AMENDING F.S. 121.0515 TO INCLUDE QUALIFIED PILOTS AND CERTIFIED FLIGHT NURSES EMPLOYED BY A LICENSED ADVANCE LIFE SUPPORT (ALS) AND/OR BASIC LIFE SUPPORT (BLS) EMPLOYER WHO PROVIDES LIFE-SAVING AIR AMBULANCE AND INTERFACILITY TRANSFER SERVICES, WHO SATISFY THE REQUIREMENTS SET FORTH IN CHAPTER 401, FLORIDA STATUTES AND ANY OTHER APPLICABLE CERTIFICATION REQUIREMENTS RELATED TO MEDICAL AIR AMBULANCE TRANSPORTATION SERVICES, IN THE "SPECIAL RISK CLASS" OF MEMBERSHIP IN THE FLORIDA RETIREMENT SYSTEM.**

**WHEREAS**, Monroe County operates a licensed 24-hour emergency Advanced Life Support (ALS) and interfacility transport air-ambulance service called Trauma Star that is jointly operated by Monroe County Fire Rescue and the Monroe County Sheriff's Department; and

**WHEREAS**, Trauma Star's primary mission is to provide emergency air ambulance transportation for individuals who are critically injured either by natural causes such as heart attacks or stroke, or by other causes such as a vehicle crash or criminal action; and

**WHEREAS**, Trauma Star's response is initiated through the emergency 9-1-1 system, and oftentimes the helicopter will land at the accident scene to provide the quickest response to qualified medical facilities in south Florida; and

**WHEREAS**, in addition to the primary mission of providing critical trauma-related transports, Trauma Star also assists local hospitals by providing hospital-to-hospital transfers when State of Florida interfacility transfer guidelines are met; and

**WHEREAS**, F.S. 401.251(3)(d) requires that all Trauma Star flight crew members meet applicable Federal Aviation Administration (FAA) regulations; and

**WHEREAS**, 64J-1.005(4), Florida Administrative Code, requires each Trauma Star emergency medical technician and paramedic to have successfully completed an initial air crew member (ACM) education program, conducted in accordance with the 1988 United States (US) Department of Transportation (DOT) Air Medical Crew-Advanced National Standard Curriculum (NSC), and hold a current certification with the Department of Health; and

**WHEREAS**, F.S. 401.25(7)(a) and (b) and F.S. 401.27(1) requires that Trauma Star “..when transporting a person who is sick, injured, wounded, incapacitated or helpless, must be occupied by.....one patient attendant who is a certified emergency medical technician, certified paramedic or licensed physician;...”; and

**WHEREAS**, for interfacility transfers, F.S. 401.252 (1) permits Trauma Star “.. using a registered nurse in place of an emergency medical technician or paramedic..” when the requirements of F.S. 401.252 are met; and

**WHEREAS**, F.S. 121.0515 established a “Special Risk Class” of membership within the Florida Retirement System to recognize that persons employed in certain categories of law enforcement, firefighting, criminal detention, and emergency medical care positions are required, as one of the essential functions of their positions, to perform work that due to the extraordinary demands of their position and the “wear and tear” on them physically and emotionally, find themselves having to retire at an early age, and usually with less service, because they are no longer able to continue performing these duties; and

**WHEREAS**, due to the early retirement necessitated by the extraordinary demands of their position, members identified in this “Special Risk Class” suffer an economic deprivation that other employees do not experience, and, as a result, are awarded more retirement credit per year of service than that awarded to other employees; and

**WHEREAS**, effective October 1, 1999, F.S. 121.0515(2)(c) MEMBERSHIP. designates those “...employed as.. an emergency medical technician, or a paramedic and meet certain other special criteria as set forth in this section.” as a “special risk member” of the Florida Retirement System; and

**WHEREAS**, effective October 1, 1999, F.S. 121.0515 (3)(d) CRITERIA. sets forth certain criteria for members employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer to be a member of the “Special Risk Class” of the Florida Retirement System: “...the member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technical or a paramedic and be certified in compliance with s. 401.27. In addition, the member’s primary duties and responsibilities must include on-the-scene emergency medical care of, as of October 1, 2001, direct supervision of emergency medical technicians or paramedics, or the member must be the supervisor or command officer of one or more members who have such responsibility. Administrative support personnel, including but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, are not included;”; and

**WHEREAS**, Monroe County's Fire Chief/Monroe County Fire Rescue Director advised the Trauma Star "...*flight crew consists of a pilot, flight nurse and flight paramedic..*" who "...*all function as a team..*"; however, pursuant to F.S. 121.0515, only the Trauma Star paramedics are designated members of the "Special Risk Class"; the flight nurses and pilots are classified as "Regular" members of the Florida Retirement System; and

**WHEREAS**, Monroe County Sheriff Rick Ramsay expressed his concerns regarding the "...*significant and unwarranted disparity in the way the first responders working in this operation (Trauma Star) are treated with regard to their retirement classification. Notwithstanding the fact they are subjected to the same risks, the medical crew is classified as high risk and the pilots are not..*"; and

**WHEREAS**, the Board acknowledges the concerns expressed by our Fire Chief and Sheriff and supports their recommendation that the Florida Legislature be urged to propose legislation to include air ambulance pilots and flight nurses in the "Special Risk Class" membership of the Florida Retirement System;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

- Section 1.** The Florida Legislature is urged to enact legislation amending F.S. 121.0515 to include qualified pilots and certified flight nurses who are employed by a licensed Advanced Life Support (ALS) or Basic Life Support (BLS) employer that provides life-saving air ambulance and interfacility transfer services, and who satisfy the certification requirements set forth in Chapter 401, Florida Statutes and all other applicable requirements related to medical air ambulance transportation services, in the designated "*Special Risk Class*" of membership in the Florida Retirement Service in addition to the certified Emergency Medical Technicians and certified Paramedics already included in this special risk designation.
- Section 2.** The Clerk of the Court is hereby directed to transmit a certified copy of this resolution to Governor Rick Scott, Senate President, House Speaker, and the Chair, and the members of the State Legislative Delegation representing Monroe County.
- Section 3.** The County's state lobbyists are hereby directed to advocate for the passage of the legislation as set forth in Section 1 above, and authorizes and directs the Intergovernmental Affairs staff to include this item in the 2018 Legislative Package when it is presented to the Board and our Legislators.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 20<sup>th</sup> day of September, 2017.

Mayor George Neugent	_____
Mayor Pro Tem David Rice	_____
Commissioner Danny Kolhage	_____
Commissioner Heather Carruthers	_____
Commissioner Sylvia Murphy	_____

(SEAL)  
Attest: KEVIN MADOK, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Mayor

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM

*Pepe J. Mercado*

PEPE J. MERCADO  
ASSISTANT COUNTY ATTORNEY

Date 8/23/17